

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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MARY NEWCOMB, executrix of  
the Estate of ANDREW TIDD,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

\* \* \* \* \*

No. 18-1393V

Special Master Christian J. Moran

Filed: February 11, 2020

Stipulation; influenza (“flu”) vaccine;  
myocarditis; death.

Jessica E. Choper, Britcher Leone, LLC, Glen Rock, NJ, for Petitioner;  
Julia M. Collison, United States Dep’t of Justice, Washington, DC, for  
Respondent.

### UNPUBLISHED DECISION<sup>1</sup>

On February 11, 2020, the parties filed a joint stipulation concerning the petition for compensation filed by Mary Newcomb, as executrix of the estate of Andrew Tidd, on September 13, 2018. Petitioner alleged that the influenza (“flu”) vaccine Mr. Tidd received on September 17, 2016, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. § 100.3(a), caused him to suffer myocarditis and death. Petitioner represents that there has been no prior award or settlement of a civil action for damages on behalf of Mr. Tidd as a result of his condition.

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<sup>1</sup> The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Respondent denies that the flu vaccine caused Mr. Tidd to suffer myocarditis, death, or any other injury.

Nevertheless, the parties agree to the joint stipulation, attached hereto. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

**A lump sum payment of \$150,000.00 in the form of a check payable to petitioner, as legal representative of Andrew Tidd. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).**

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 18-1393V according to this decision and the attached stipulation.<sup>2</sup>

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.